THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.1726 OF 2007

DATED 05-03-2007

Between:

M/s.S.Lalaiah & Co.,
3-2-130, L.B.Nagar 'X' Road,
Hyderabad, R.R.District

…**Petitioner**

And

1.C.T.O., Saroornagar Circle,
Hyderabad and 17 others.

…**Respondents**

The Hon'ble Sri Justice Bilal Nazki

and

The Hon'ble Sri Justice Nooty Ramamohana Rao

Writ Petition No.1726 of 2007

O R D E R *(Per the Hon'ble Sri Justice Bilal Nazki):*

This Writ Petition has been filed seeking certain directions as the appeals and stay applications for the assessment years 1998-99 and 1999-2000 and the appeal for the assessment year 2002-03 are pending before the Tribunal.

With respect to the assessment years 1998-99 and
1999-2000, the grievance of the petitioner is that although the appeals and stay applications have been filed on 23-11-2006, they have not been decided so far.

We have gone through the record. Without going into the merits of the case, we feel that the ends of justice would be met if the Tribunal is directed to dispose of the stay applications within a period of two weeks. Till the Tribunal decides the stay applications, no coercive measures be taken by the respondents to recover the disputed tax for the assessment years 1998-99 and 1999-2000.

It is submitted by the learned Counsel for the petitioner that pending appeal, the stay application filed by the petitioner with respect to the assessment year 2002-03 was rejected during the pendency of this Writ Petition.

In the interest of justice, we direct that there shall be stay of recovery pending appeal, subject to deposit of 50% of the liability with respect to assessment year 2002-03 by the petitioner within a period of four weeks from today. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

The Writ Petition is, accordingly, disposed of. No costs.

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(***Bilal Nazki, J***)

Dated 5th March, 2007

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(***Nooty Ramamohana Rao,J***)

Note:
Wire at party's costs.
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